

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CONSTANCE BARTON, KIMBERLY)
CLARK, WESLEY CLARK, TRACIE)
HUNT, ELEANOR WALTERS, KAREN)
MEREDITH, GILBERT BREEDEN,)
LACENTIA THOMPSON, MATHESIA)
PETERSON, and CHESTER)
CHARNESKI, on behalf of themselves)
and on behalf of classes of those)
similarly situated,)

Plaintiffs,)

v.)

1:04-CV-748

THE PANTRY, INC., also doing)
business as, THE PANTRY, BIG K,)
CAMPUS STORE, CHARLESTON'S)
DEPOT, ETNA, EXPRESS STOP,)
FAST LANE, FOOD CHIEF, GOLDEN)
GALLON, HANDY WAY,)
KANGAROO, KANGAROO EXPRESS,)
LIL CHAMP FOOD STORE,)
MARKET EXPRESS, MINI MART,)
ON THE WAY, QUICK STOP)
SMOKERS EXPRESS, SPRINT,)
WICKER MART, ZIP MART, and by)
other names,)

Defendants.)

ORDER

For the reasons set forth in the contemporaneously filed Memorandum
Opinion, The Pantry's Motion to Dismiss [Doc. #12] is DENIED as far as it requests
dismissal of Plaintiffs' claims under the NCWHA §§ 95-25.6 and 95-25.13 and
GRANTED as far as it requests dismissal of Plaintiffs' claims under the FLSA and

the NCWHA for alleged violations of statutory record-keeping provisions.

This the day of May 17, 2006

/s/ N. Carlton Tilley, Jr.
United States District Judge